

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, JULY 31, 2003
8:15 A.M.**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Deb Schorr
Bob Workman

Commissioners Absent: Larry Hudkins

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Melissa Koci, County Clerk's Office

The Chair opened the meeting at 8:18 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES FROM THURSDAY, JULY 24, 2003 AND BUDGET WORK SESSION MINUTES FROM THURSDAY, JULY 17, 2003

MOTION: Workman moved and Stevens seconded approval of the Staff Meeting minutes of July 24, 2003 and the Budget Work Session minutes of July 17, 2003. Workman, Heier, Stevens voted aye. Schorr was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- a. Meeting with the Mayor on July 31, 2003
- b. Right-of-way Contract on NW 84th Street
- c. Overtime for Screener for Amnesty Warrant Program
- d. Testimony by Dean Settle Regarding Closing of Lincoln Correctional Center
- e. NACO Survey
- f. Parkview Christian School
- g. Meeting with Lincoln Public Schools

MOTION: Stevens moved and Workman seconded approval of the additions to the agenda. Workman, Stevens and Heier voted aye. Schorr was absent from voting. Motion carried.

Schorr entered.

2 ADDITIONS TO THE AGENDA

- a. Meeting with Mayor on July 31, 2003

Workman said there is a meeting this afternoon with the Mayor in regard to a drag strip that wants to be built and he would like another Commissioner to go in his place because he cannot attend. Heier said he would go.

- b. Right-of-way Contract on NW 84th Street

Don Thomas, County Engineer, indicated Great Plains Appraisal put a land value of \$25,000 on the tract of land that is .53 of an acre, which comes out to \$47,000 an acre. He said the lot is buildable and is zoned AG and is wondering whether the ½ acre is worth \$25,000.

Heier said he does not believe the property is worth that much.

- c. Overtime for Screener for Amnesty Warrant Program

Eagan reported the Amnesty Warrant Program screener will need about 2½ hours of overtime.

- d. Testimony by Dean Settle Regarding Closing of Lincoln Correctional Center

Eagan distributed documentation in regard to an email he received from Dean Settle about testifying in front of the Judiciary Committee (Exhibit G).

The Board agreed to allow Settle to testify on Friday in front of the Judiciary Committee.

- e. NACO Survey

Eagan indicated he would fill out the survey.

- f. Parkview Christian School

Norm Agena, County Assessor/Register of Deeds, appeared and reported he will be revisiting Parkview Christian School next week, and after thorough consideration he is going to recommend approval of the exemption at Tuesday's Board meeting.

- g. Meeting with Lincoln Public Schools

Heier said it was suggested to him that not all of the County Board members need to attend the meetings the City Council and County Board has with Lincoln Public Schools, and maybe just the Chair and the Vice Chair should attend.

3 COMMISSIONERS MEETING REPORTS

- a. **Public Building Commission/Parking Committee** - Hudkins, Workman

Workman said the main reason for the meeting was for the approval of the purchase of property on H Street and a motion was made and approved to buy the house at \$73,000.

- b. **Lancaster Manor Advisory Committee** - Hudkins

Hudkins was absent.

- c. **F³ Convenors** - Schorr

Stevens gave a brief overview of the meeting.

- d. **Visitors Promotion Committee** - Schorr

Eagan indicated the VPC is 4.9% into the lodging tax and there was discussion regarding the by-laws.

- e. **LIBA Monthly Meeting** - Stevens, Workman

Workman said the LIBA members were not too enthused about the 15% increase in the tax burden to the taxpayer.

Stevens said LIBA suggested to lower the levy rate and cut programs like the Women's Commission.

- f. **DLA Board** - Stevens

Stevens did not attend this meeting.

4 EXECUTIVE SESSION (POTENTIAL & PENDING LITIGATION) - Gary Lacey, County Attorney; Dave Johnson, Deputy County Attorney

MOTION: Workman moved and Hudkins seconded to enter into Executive Session at 8:32 a.m. for discussion of potential and pending litigation. Stevens, Workman, Schorr, and Heier voted aye. Motion carried.

MOTION: Workman moved and Stevens seconded to exit Executive Session at 9:25 a.m. Heier, Schorr, Workman and Stevens voted aye. Motion carried.

5 60' COUNTY ROAD RIGHT-OF-WAY - Don Thomas, County Engineer; Mike DeKalb, Planning Department

Don Thomas, County Engineer, appeared and indicated the objective years ago in regard to the 100' right-of-way was to come as close as possible to acquiring enough right-of-way that would be unusable to the landowner. He said the last three grading jobs they did, which amounted to 8½ miles, 70% of the land was inside the 100' right-of-way. Thomas said if the County goes to 60' there will be excess land which won't be used by the County, right-of-way costs could be driven up and proximity damages could occur.

Mike DeKalb, Planning Department, appeared and noted in the County Subdivision Standards the County Board requires 100' for leisure roads and streets, 50' each side. He said in the Comprehensive Plan there is a policy on Page 114 that states 300 vehicles a day at this level the County then acquires a minimal 100' of right-of-way with additional right-of-way as appropriate in order to accommodate grades, structures, etc.

Thomas said in order to build a four-lane rural section in the County, the Engineer would need a minimum 150' of right-of-way and if the Board wants to change the County right-of-way the Subdivision Standards and the Comprehensive Plan would both have to be amended.

Workman believes they should be consistent and if 100' is enough, than they should stick with that figure.

Stevens said if some roads are going to become four lanes in the future, they need to look at the setbacks.

Thomas suggested getting together with DeKalb and come back to the Board in the future.

6 CONSULTING SERVICES AGREEMENT WITH MILLIMAN (HEALTH INSURANCE) - Bill Kostner, City Risk Manager; Dave Johnson, Deputy County Attorney

This item was not discussed.

7 DEVELOPMENTAL DISABILITIES CONTRACTS - Dave Johnson, Deputy County Attorney

Dave Johnson, Deputy County Attorney, appeared and said he would like the Board to consider a \$4 million umbrella policy with the Developmental Disabilities contracts because one individual from a given incident can bring a claim pursuant to Statute against the County for \$1 million, but several individuals who are injured out of that one incident can bring a claim up to \$5 million.

Kerry Eagan, Chief Administrative Officer, said when the County stopped serving LOMR, there was \$183,000 that was being appropriated for developmental disability services. He said the money was split up based on the percentage of clients they were serving and there was \$1 million worth of insurance put on each of the seven contracts, which will have to be reviewed again.

Johnson said some of the current contracts are lacking in other areas and he feels the best thing to do is to give them a new agreement and tell them their past agreement is no longer in effect because some things have changed.

Schorr asked what the cost difference would be for the insurance change.

Johnson said he did not know, but would look into it.

Stevens suggested drafting a new contract, along with a letter from Kerry Eagan telling them what the County is considering to see what kind of a response they get back from the seven contracts.

8 UNREPRESENTED, CLASSIFIED EMPLOYEES; UNCLASSIFIED EMPLOYEES - Georgia Glass, Personnel Director

Georgia Glass, Personnel Director, appeared and indicated there are three items she would like to discuss:

1. Increase in wages for 43 employees at the Mental Health Center
2. Department Head increases
3. Pay increases for Classified, Unrepresented Employees

Glass reported Dean Settle, Mental Health Director, has requested in his budget an increase in wages for the 43 employees at the Mental Health Center, who are all underpaid. She noted the increases were already approved in 2002, but put on hold because of the budget.

John Cripe, Personnel Department, appeared and said they would receive a one-step increase, which is about 4.5%.

The Board agreed the Mental Health Center's increases will go on a Tuesday board meeting.

Glass distributed documentation regarding the Department Heads, their degrees, hire date, the size of their budget, the number of people they supervise and the history of the raises they have received since 1996 (Exhibit B). She said last year because of the situation, each and every Department Head got the same amount, which was 3%.

The Board agreed to look at the handout and figure out how much of an increase they want to give the Department Heads.

Eagan stated he would contact Gary Lacey and Dennis Keefe and have them give Eagan their recommendations for their salary increases for the Attorneys.

Cripe said AFSCME has tentatively agreed to the contract and will be voting next week.

MOTION: Workman moved and Heier seconded to give a 4% cost of living increase to the Unrepresented employees and reimburse lost PEHP over a three-year period by giving \$10 per pay period for the 1st year, \$10 per pay period for the 2nd year and \$5 per pay period for the 3rd year. Workman and Heier voted aye. Stevens and Schorr voted no. Motion failed.

MOTION: Stevens moved and Heier seconded to give a 2.75% cost of living increase to the Unrepresented Employees and a \$10 increase per pay period in PEHP. Stevens voted yes. Workman, Heier and Schorr voted no. Motion failed.

MOTION: Workman moved and Schorr seconded to give a 3.5% cost of living increase to the Unrepresented Employees and reimburse an additional \$10 for PEHP. Workman, Heier and Schorr voted yes. Stevens voted no. Motion carried.

9 BUDGET WORKING SESSION - Dave Kroeker, Budget & Fiscal Director

Dave Kroeker, Budget & Fiscal Director, distributed documentation regarding the 2003-2004 Proposed Budget (Exhibit D) and briefly discussed the budget page by page.

Stevens suggested adding the FY04 proposed column from the *All Funds Proposed Budget 2003/2004* on page 5 and add it to the *Summary of Expenditures, Obligations & Uncollected Revenue Compared to Budget* on page 7 and eliminate page 5.

Kroeker said he would make that change and distribute copies to the Board afterwards. He also said he would make the budget available on the web so it will be available to the public.

Kroeker distributed documentation regarding the budget figures that will be posted in the newspaper (Exhibit E) and said the final budget hearing will be held on August 19, 2003 at 7:00 p.m. in the County Commissioners Hearing Room.

Kroeker distributed documentation regarding the bids that were submitted by the companies for the extra shelving (Exhibit F) for Brian Pillard. Kroeker said there is \$9,340 in Pillard's budget for the shelving this year and Pillard is recommending Prescott Heald & Son, Inc., but the low bidder is Cornhusker State Industries.

Workman suggested spending \$9,340 this year and \$5,000 next year on the shelving.

With regard to Exhibit F, page 2, Kroeker received a letter from Dave Shively, Election Commissioner, who indicated the City of Lincoln's Infrastructure Task Force has recommended that the City of Lincoln go to the voters to approve a bond measure to help pay for some of the City's infrastructure needs. Shively just wanted to inform the Board that if this special election were to happen, it would add approximately \$100,000 to the Election Commissioner's budget. According to Nebraska law, the City will be required to reimburse the County for those expenses. Kroeker agreed to hold the item until the City Council has made their decision on August 18, 2003 as to whether there will be an election or not.

10 AMUSEMENT LICENSE PROCEDURE - Bruce Medcalf, County Clerk; Trish Owen, Deputy County Clerk

Bruce Medcalf, County Clerk, appeared and indicated his office just needs some clarification as far as the office policy for the County Clerk's Office in regard to the Amusement License procedure.

Johnson indicated the guidelines indicate that an amusement license needs to be turned into the County Clerk's Office at least 45 days in advance. The reason for that is because of time needed to get correspondence back from the agencies that need to make their recommendations.

Medcalf said if the applicant submits the application in the required time frame, the County Clerk's Office will send out letters to the departments to get their recommendations. He said if the applicant has not filed in a timely manner, the Clerk's office will tell the applicant that he/she needs to get the reports from the departments themselves.

The County Clerk's office agreed to come back to the Board in a week or two after they have made some revisions to the guidelines and policies.

11 AMERICAN CORRECTIONS ASSOCIATION SUMMER CONFERENCE - Kim Etherton, Community Corrections Director

Kim Etherton, Community Corrections Director, distributed documentation regarding *Alternatives to Incarceration Programs* (Exhibit C) and indicated she would like to go to Nashville, Tennessee for the American Corrections Association Summer Conference because it would be very beneficial to her and the Community Corrections Program. She noted she would not need the rental car or the parking because the hotel will provide a ride to the Day Reporting Center, which she will tour.

MOTION: Stevens moved and Workman seconded to approve and allow Kim Etherton and Gwen Thorpe to attend the conference in Nashville and to take the money out of contingency or Keno Funds. Schorr, Workman, Stevens and Heier voted aye. Motion carried.

12 ACTION ITEMS

- a. Microcomputer Requests:
 - 1. C#2003-264, \$1,608.89 from Microcomputer Budget for Compaq Pentium IV, 17" Monitor, etc., for Community Corrections
 - 2. C#2003-265, \$6,435.57 from Microcomputer Budget for 4 Pentium IV's, 17" Monitors, etc., for Community Corrections

MOTION: Stevens moved and Schorr seconded approval of the Microcomputer Requests for Community Corrections and to fund it out of the Community Corrections budget. Workman, Schorr, Stevens and Heier voted aye. Motion carried.

- b. Contingency Award Recommendations from the Visitors Promotion Committee:
 - 1. \$500 for Alpha Gamma Rho's National Beef Exhibition for Youth on December 20, 2003 (depending on actual loss)

MOTION: Workman moved and Stevens seconded approval. Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2. Recommendation of Denial for American Association on Mental Retardation NE Chapter Conference on September 28-30, 2003

MOTION: Workman moved and Schorr seconded denial. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

- 3. \$250 for International Pedal Pullers Event on August 3, 2003 (depending on actual loss)

MOTION: Workman moved and Stevens seconded approval. Schorr, Stevens, Heier and Workman voted aye. Motion carried.

14 ADMINISTRATIVE OFFICER REPORT

- a. Engine Brakes

Johnson briefly discussed the engine brake situation and said he would speak with Scott Holmes of the Health Department regarding the "noise" issue and enforcing it.

- b. Jury Commissioner Update

Eagan met with Sue Kirkland, Clerk of the District Court; Linda Sanchez-Masi, Deputy Clerk of the District Court; Dave Shively, Election Commissioner; Judge Chevront; Judge Withoff; and Maura Kelly, Deputy Election Commissioner and they discussed where the Jury Commissioner should be located. He said right now it is located at the Election Commissioner and it is getting to be more of a problem because of the increase in jury terms. Eagan said the Jury Commissioner does not want to move downtown and indicated she would retire before she will move downtown.

Eagan noted he has a call into Don Killeen, Building and Grounds, about space, which may have to be expanded into the Jury waiting room. Eagan also said the Legislation authorizes the Judges to choose whether the Election Commissioner or District Court Clerk houses the Jury Commissioner and that change doesn't take effect until the end of August. He said in two weeks Shively and Kirkland will be coming back to the Board to discuss a floater employee who will be able to help out on the remote location problems. Eagan said hopefully they will have a plan developed within a year or so.

Stevens exited the meeting.

c. NACO Conference (October 14-16, 2003)

The Board agreed that all five Board members, the Chief Administrative Officer and Deputy Chief Administrative Officer would attend the NACO Conference.

d. VPC By-Laws

Eagan stated there have been some proposed changes to the Bylaws based on the amendment to the Visitors Promotion Statute which allows expansion of the Committee to seven members, which they intend to do. He referred to pages 24 through 29 in the packet and said the only discussion they had about the bylaws was the addition of the ex-officio members and a decision on the language in Section 7, "In addition to the regular members, there shall be three ex-officio members, including one person who is a member of the County Board, one person who is a member of the Lincoln City Council, and one person representing the University of Nebraska-Lincoln."

Stevens questioned Section 8 and the wording, "including a person who represents downtown Lincoln, as well as other representatives of other key components of the travel and tourism industry." He believes it is too specific considering there are a lot of sections in Lincoln that aren't being represented.

Eagan said the Chamber decided there wasn't going to be a standing Downtown Lincoln Association representative on the Committee which caused some hard feelings. Eagan said the new by-laws will go on a Tuesday's agenda for approval.

e. Blood Bank Building

This item was not discussed.

f. Transportation Task Force for Nebraska's Future

This item was not discussed.

g. Surplus County Property at South 96th & Stagecoach Road

Larry Worrell, County Surveyor, appeared and distributed documentation regarding surplus county property located at South 96th Street and Stagecoach Road (Exhibit A). He indicated the adjacent property owner has requested the County Engineer in writing to surplus some land at South 96th & Stagecoach Road. Worrell said the County Engineer would like to retain sufficient right-of-way of 100' to reconstruct the road at a later date. Worrell said an appraisal has been done, it is 1.76 acres and the non-buildable lot is located in the flood plain.

Heier said he would like to wait until the 60' county road right-of-way issue is resolved.

17 ADJOURNMENT

MOTION: Workman moved and Schorr seconded to adjourn the staff meeting at 11:52 a.m. Schorr, Workman and Heier voted aye. Stevens was absent from voting. Motion carried.

Bruce Medcalf
Lancaster County Clerk